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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,851	09/26/2003	Colin Andrew Low	30018433-3	1268

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HU, KANG

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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05/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,851	Applicant(s) LOW ET AL.	
	Examiner KANG HU	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following office action is in response to the amendment after non-final rejection dated 1/14/08. Currently claims 1-11 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The broadly claimed invention of claims 1-11 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over “The Sims Livin’ Large Expansion Pack – Prima’s Official Strategy Guide” by Rick Barba, 2000 (hereinafter as Barba) for the reason set forth in the prior office actions and incorporated herein in view of examiner’s official notice.

Re claims 1-11, Sims Livin' Large teaches the claimed limitations of claims 1-11 as previously indicated in office action dated 10/26/06 and 9/12/2007; the broadly claimed of the method, recordable medium and device can be interpreted as the Official Strategy Guide of the Sims City of Barba. The teaching of Barba broadly discloses the method, or recordable medium, or device of simulating the activities of a plurality of creatures comprising the steps of the first mode for simulating the activities of all of the creatures (see chapter 3 or for example see Figs. 4-9, 5-4, 5-5, 5-8, 5-9) and the second mode for simulating the activities of at least one of the creatures when it is detected that one or more of the creatures simulated by the first mode is undergoing a

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change in environment, such as fighting, mating, eating, interacting with another creatures, moving to a new terrain type (see pages 75-79 or see Figs. 5-10, 5-11), which is invoked at the start of the simulation so as to determine the starting parameters of each creatures, or to determine at least one parameter being subsequently utilized by the first mode of simulation, such as creature behavior transition probabilities (i.e. the mood and motives), creature biochemical levels (i.e. the love relationship), or at least one parameter relating to the creature simulated by the second mode is stored for use by a later iteration of the second mode (for example the activities such as sleep, social, love, etc. which will effect the creatures in the later iteration, for example, wedding, family and housemates, or the careers and skills in Chapter 6).

Examiner further explained in office action dated 9/12/2007, all the claimed limitations are rejected for the same reasons set forth in the prior office action, with the exception of the first mode of simulation is less detailed and less computationally intensive than a second mode of simulation (claim 1) and the second mode of simulation arranged to simulate an activity of one of the plurality of creatures observable by the user, wherein results at the second mode of simulation are used to provide a simulation of the plurality of creatures at the first mode of simulation for a new change in environment. Even though Barba does not explicitly state of such features as described by the applicant, however as seen in Fig 7-17 on page 130, the outside of the house simulation is less detailed and less computationally intensive than the inside of the house Figs 7-12 or 7-14 on pages 127 and 128. Also Fig 6-4 on page 99 shows the room from outside, the inside of the room is much more detailed and more computationally intensive than the outside, and the simulation provides both of inside of the room where its more detailed and

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outside of the provides a result less detailed and less computationally intensive than the inside.

As the Sims (creature) move from inside to outside of the house (moving from first mode to second mode), rooms, restaurants and etc. its environment is changed from more to less detail or vice versa. The results of the first mode, whether inside or outside of the house is conveyed as a result when the Sim enters a different environment, for instance, if the Sim changed cloth inside the house, then the result (change of cloth) will also be shown as the Sim changes environment from the first mode to the second mode, coming out of the house, or going into a restaurant and such. One of ordinary skill in the art would understand that such feature is obvious to simulate in games like Sims.

4. The broadly claimed invention of claims 1-11 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over “The Sims Livin’ Large Expansion Pack – Prima’s Official Strategy Guide” by Rick Barba, 2000 (hereinafter as Barba) for the reason set forth in the prior office actions and incorporated herein in view of examiner’s official notice.

Also as previously indicated Re claims 1-11, all the claimed limitations are rejected for the same reasons set forth above, with the exception of the first mode of simulation is less detailed and less computationally intensive than a second mode of simulation (claim 1) and the second mode of simulation arranged to simulate an activity of one of the plurality of creatures observable by the user, wherein results at the second mode of simulation are used to provide a simulation of the plurality of creatures at the first mode of simulation for a new change in environment. There are many games where such feature has been provided to its players, include but not limited to

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Starcraft by Blizzard released in Feb 28 of 1998 (screen shot attached below). The main screen comprises of a more detailed and more computationally intensive simulation arranged to simulate the activities of plurality of creatures. The mini map on the bottom left provides a less detailed, less computational intensive simulation and the result of the main screen simulation is used to provide a simulation of the plurality of creatures at the mini map of simulation for a new change in environment. It would have been obvious for one of ordinary skill in the art to combine a mini map in a Sim environment to easily guide the player to where the player is going.



Screenshot taken from starcraft to demonstrate the simulation of creatures.

Response to Arguments

5. Applicant's arguments filed 1/14/2008 have been fully considered but they are not persuasive.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., creatures simulated at a more detailed and more computationally intensive) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the argument that Barba does not disclose, teach, or suggest at least "simulating an activity of one of the plurality of creatures at the second mode of simulation observable by the user, wherein results of the simulation at the second mode of simulation are used to provide a simulation of the plurality of creatures at the first mode of simulation for the new change in environment." The examiner has previously stated that "Barba does not explicitly state of such features as described by the applicant", i.e. less detail and less computational, also as indicated by the examiner and provided in an example, each of the creatures are shown in a different settings, i.e. bathroom (fig 2-2), bedroom (fig 2-3), yard (fig 2-4), kitchen (fig 3-4) and etc. Each of the above different setting has different levels of details clearly shown in the figures and therefore would require different intensity of computation. The attorney further argued that the examiner's example of having different details in different settings is viewed as "simulation of

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an activity of the house". The examiner agrees that the house is not being simulated; the creatures (people) inside of the house and outside of the house are the subjects. When the creatures enter or exiting the house, kitchen, living or etc., the creature is experiencing a change in environment as a result of the first simulation.

In response to the argument that the existence of games such as Starcraft by Blizzard (released in Feb 28, 1998) fails to use results from one mode of simulation to provide a simulation in another mode, since both simulations run concurrently. The examiner agrees that both detailed (main screen) and the mini-map is run concurrently, however the result of the less detailed mode (mini-map) is also the result of the more detailed mode (main screen). As one battles in the main screen, buildings, creatures, are built or killed during the progress of the game, as a result of building more buildings and troops, more less detailed version of the creature will appear on the map, as the result of the killings of one or more creatures, buildings in the simulation, it is also being demonstrated in the mini-map.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially

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teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kang Hu/
Examiner, Art Unit 3714

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
05/21/08